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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,457	07/20/2001	Shozo Imanishi	M2057-83	1740

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EXAMINER

SELF, SHELLEY M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 08/05/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,457

Applicant(s)

IMANISHI, SHOZO

Examiner

Shelley Self

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 8-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 17, 2003 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 8-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 1, the critical interrelationship of the elements has not been positively recited. For example, it is not clear how the single adjusting means relates to the slide and press machine.

With regard to claim 2, it is unclear whether "*said adjustment*" relates to "*said adjusting means*" or another adjustment. For the purposes of examination, Examiner understands, "said adjustment" to refer to "said adjusting means".

With regard to claim 5, it is not clear whether "*said connecting rod*" (lines 5, 7) relates to both the first and second connecting rods (line 4) or one of the first and second connecting rods, and if just one, which of the two does it refer to

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With regard to claim 8, it is unclear how the first linear guide and first sliders related to the claimed invention. The claim fails to positively recite the critical interrelationship of these elements as it relates to the remaining elements of the invention.

There are no antecedent bases for the following terms in the claims:

“said adjustment” (clm. 2)

“said guiding displacement” (clm. 9, line 8; clm. 13, 10)

“said one connecting rod” (clm. 11, line 2’ clm. 12, line 11; clm 13, line 7; clm. 15, line 8)

“said one eccentric part” (clm. 11, line 3)

“said one middle link” (clm. 12, lines 8-9, 12; clm. 15, line 7)

All of the claims should be reviewed for proper recitation of critical interrelationships and antecedent bases.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-5 and 7 are rejected under 35 U.S.C. 102(a) as being anticipated by Itakura (6,012,322). Itakura discloses a slide drive device or a press machine comprising a slide (2), said slide including top and bottom dead center positions (col. 5, lines 1-2), a single adjusting means (21).

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With regard to claim 2, as best as can be understood, Itakura discloses a driving means (13,14,15,16,17,18,19) for driving said slide drive device, at least a first upper link (8), said first upper link being connected to drive said slide in a cycle; said driving means transmitting a driving displacement to said first upper link to drive said slide and said means for driving transmitting said adjustment to said slide whereby said stroke is adjusted.

With regard to claim 3, Itakura discloses dynamically balancing means, a dynamic balancer (40) operably connected to said slide (2).

With regard to claim 4, Itakura discloses a guide means (20), at least a first horizontal link (4) operably connecting to said slide (fig. 1, 1B).

With regard to claim 5, as best as can be understood, Itakura discloses a crankshaft (12), first and second connecting rod (Fig. 3; col. 7, lines 14-15).

With regard to claim 7, Itakura substantially discloses the claimed invention, (see above with reference to claims 1-5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, and 16-18, as best as can be understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Itakura (6,012,322). With regard to claims 6 and 16, Itakura discloses a first and second upper links (fig. 3) having a length, a first and second middle links (fig. 3)

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having a length, a fulcrum pin (23) on a first middle link a third link (3) having a length, a crankshaft 12() a first and second eccentric part (col. 7, lines 14-15), first and second connecting rods (11,11) operably joined to said eccentric parts Itakura does not disclose the relationship between the link lengths to be:

$$(a):(b)=(b):(c)$$

As to the relationship of the link lengths (clms. 6, 16), at the time the invention was made, it would have been an obvious design modification to a person of ordinary skill in the art to have constructed to the links to have a length relationship of $(a):(b)=(b):(c)$ because Applicant has not disclosed that such relationship provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with links of equal and equal lengths as long as linear motion was transmitted to move the slide within the press vertically.

With regard to claim 17, see above with reference to claims 1-5.

With regard to claim 18, Itakura discloses a dynamic balancing means (40) and guide pin (7).

Allowable Subject Matter

Claims 8-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if any 35 U.S.C 112 rejections were overcome.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (703) 305-5299. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Allen Ostrager can be reached at (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SSelf
July 30, 2003



**ALLEN OSTRAGER
SUPERVISORY PATENT EXAMINER
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